



JLPH: Journal of Law, Politic and Humanities

E-ISSN: 2962-2816
P-ISSN: 2747-1985<https://dinastires.org/JLPH> ✉ dinasti.info@gmail.com ☎ +62 811 7404 455DOI: <https://doi.org/10.38035/jlph.v5i4>
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Refugee Status Determination in the Contiguous Zone Under International Law

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Abstract: According to UNHCR, The state is primarily responsible for determining refugee status within its territory. This means that RSD must be carried out in the country where the asylum seeker applies for protection, as it has full sovereignty and jurisdiction. The problem arises when the coastal state determines and processes the RSD of asylum seekers outside its territory, especially in the Contiguous Zone, where the coastal state only has the authority to conduct surveillance, especially 'migration controls.' What is interesting to study is whether the practice of RSD in the Contiguous Zone is legitimate and can be carried out under international law and how RSD in the Contiguous Zone is related to the function of immigration control according to International Law. The methodology used is descriptive, using the approach of international legal instruments and existing cases. From the discussion, it is found that RSD in the contiguous zone can be carried out depending on the interpretation of Article 33 UNCLOS 1982. In addition, it is also explained how the principle of non-refoulement and human rights instruments intersect. It can be concluded that RSD can be conducted in the contiguous zone; non-refoulement is the first form to start RSD.

Keyword: Refugee, Contiguous Zone.

INTRODUCTION

Around the world, one in every 122 people is currently a refugee, internally displaced person, or asylum seeker (UNHCR, 2015). The United Nations High Commissioner for Refugees (UNHCR) reported that 110 million people worldwide experienced displacement in 2023, a rise of over 1.6 million since the end of 2022 (UNHCR, 2023). Generally, asylum seekers use boats, even small ones, to flee their home countries and travel to their destination countries, hoping for acceptance as refugees. In 2023, around 28,400 people arrived in the UK on small boats, almost all of whom applied for asylum (House of Commons Library, 2019). By February 29, 2024, Australia welcomed 23 boats, transferred 25 to detention islands, and intercepted and returned 47 (Refugee Council of Australia, 2024).

In determining whether or not a person is a refugee, the 1951 Refugee Convention and the 1967 Protocol provide freedom to state parties to conduct Refugee Status Determination (RSD) according to their respective state policies as a form of state-party responsibility.

However, the principle of non-refoulement, the cornerstone of refugee protection, prohibits receiving states from sending refugees or asylum seekers back to their region of origin if their identity poses a risk to their lives (Guys S. Goodwin-Gill & Jane McAdam, 2007). While a sovereign state certainly has the right to protect its territory, the principle of non-refoulement is "an exceptional limitation of the sovereign right of States to turn back aliens to the frontiers of their country of origin" (Gammeltoft-Hansen, 2011). This principle guarantees that asylum seekers are not returned, although it does not explicitly guarantee access to the territory of the country of destination or access to RSD (S. Trevisanut, 2014).

According to the 1982 United Nations Convention on the Law of the Sea (UNCLOS, 1982), a state's sovereignty at sea exists only within the limits of the territorial sea, whereas in the contiguous zone and exclusive economic zone, there are sovereign rights and limited jurisdiction. However, on the high seas, there is no state sovereignty; instead, there is freedom, also known as freedom of the seas. Many states have practiced refoulement by intercepting and returning asylum seekers outside their territorial sea. For example, in *Sale v. Haitian Centers Council* (1993) (*Sale v.*, 2024), US President George Bush ordered the United States Coast Guard to intercept ships carrying asylum seekers from Haiti to the United States illegally and return them regardless of whether they qualified as refugees or not. The United States argued that it did not violate the principle of non-refoulement and that non-refoulement is only for people within its jurisdiction or territory (Islam & Bhuiyan, 2013) in the case of *Hirsi Jamaa and Others v. Italy* (2012). *Jamaa & Italy* (2024), the European Court of Human Rights found Italy liable for its violations in intercepting asylum seekers on the high seas, transferring them to Italian military vessels, and returning them to Libya without making any assessment of their refugee status. The Court found Italy liable for breaching the non-refoulement obligation, and it confirmed that Italy had jurisdiction over the migrants based on 'continuous and exclusive control' during the interception and return process, even though the events took place outside Italian territory. The decision also underscores the legal question of state sovereignty about 'migration controls. The decision also underscores the legal question of state sovereignty about 'migration controls' (Seunghwan Kim, 2017).

Under UNCLOS 1982, coastal states can exercise their jurisdiction in the Exclusive Economic Zone through sovereignty and exclusive rights related to economic interest. In the contiguous zone, the coastal state may exercise the control necessary to prevent violations of customs, fiscal, immigration, or sanitary laws and regulations within its territory or territorial sea. According to UNHCR, states are primarily responsible for determining the status of refugees in their territory. UNHCR (2011) This means that RSD should occur in the country where the asylum seeker is applying for protection, as the state has full sovereignty and jurisdiction. The problem arises when a coastal state determines and processes the RSD of asylum seekers outside its territory, especially in the Contiguous Zone, where the coastal state only has the authority to conduct surveillance, especially 'migration controls.'

Beyond this issue, an intriguing area of study is the legality and applicability of RSD in the contiguous zone under international law. Then, how does the RSD in the contiguous zone relate to the role of supervision (control) in migration under international law? In addition, this article will not specifically discuss the principles and practices of non-refoulement; it will explore how the migration control function and its interpretation relate to RSD practices.

METHOD

The methodology used is descriptive normative, using a comparative approach and legislation, especially international legal instruments and related cases. The primary data sources used are UNCLOS and the Refugee Convention. Other data sources, such as books and the opinions of related scholars, are also used. Because this research uses normative legal research, the collection, and preparation of data using legal material collection procedures using literature studies (Library Research) to find the theoretical basis of research problems by

reading books and studying literature related to this legal research, as well as scientific writing, laws and regulations and so on which are then processed and formulated systematically.

This method is the initial activity of an analysis. This research will process legal materials by interpreting what is written in the literature and other written sources. This research uses a qualitative descriptive analysis method, in which data obtained by researchers is then analyzed in a qualitative way and described descriptively.

RESULTS AND DISCUSSION

The Concept of Contiguous Zones in International Law

In the 18th century, Great Britain enacted the Hovering Acts to combat foreign vessel smuggling, marking the beginning of developing contiguous zones. These acts allowed the UK to exercise jurisdiction (enforcement) over vessels suspected of breaching customs laws, even when they were not within the territorial sea. This practice demonstrates the need for coastal states to extend their control over adjacent or contiguous waters to the territorial sea to protect economic interests and enforce national laws (Alan M. F., 2024). The concept of the contiguous zone evolved from international recognition in the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone to further refinement in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) as maritime trade expanded and the complexity of international law increased (Kum, 2024).

UNCLOS 1982 defines in Article 33 that the contiguous zone cannot extend beyond 24 nautical miles from the baselines used to measure the territorial sea's breadth. This implies that the contiguous zone stays within 24 nautical miles of the baselines used to measure the territorial sea. Article 48 defines archipelagic states to measure the width of the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf using archipelagic baselines drawn under Article 47.

Article 57 of UNCLOS 1982 defines the Exclusive Economic Zone (EEZ) as something that cannot extend beyond 200 nautical miles from the baselines used to measure the territorial sea's breadth. This implies that the Exclusive Economic Zone (EEZ) should be 200 nautical miles from the baselines for measuring the territorial sea's breadth. Therefore, it clearly shows that the EEZ includes the Contiguous Zone Sea. However, this does not mean that the EEZ is a contiguous zone.

In contrast to the territorial sea, where coastal states own full sovereignty, the EEZ owns rights to resource exploration, exploitation, and conservation for economic purposes. Coastal states have limited jurisdiction, which includes enforcing customs, fiscal, immigration, and sanitary regulations on structures, installations, and artificial islands, including their construction and use. In addition, the coastal state may, if necessary, establish a safety zone on such structures, installations, or artificial islands with a maximum distance of 500 meters around them, and any vessel must respect and comply with navigation standards in the vicinity.

The contiguous zone is an important aspect of international law of the sea as stipulated in UNCLOS 1982. Through the contiguous zone, the coastal state can exercise surveillance and limited jurisdiction up to a maximum of 24 nautical miles to prevent and punish violations of laws such as customs, fiscal, immigration, and sanitation within its territory or territorial sea. In the context of immigration, coastal states can intercept vessels suspected of attempting to violate immigration regulations as well as enforce laws against vessels or individuals who violate immigration rules in this zone.

This clarifies that coastal states have sovereign rights and restricted jurisdiction within the contiguous zone, which entails responsibilities such as upholding the rights of other nations and vessels. Other states have various rights when sailing or entering an area within the coastal state's maritime zone. In the territorial sea regime, there is the right of innocent passage; in the EEZ and high seas regime, there is freedom of navigation.

Article 18 of UNCLOS 1982 defines that 'Subject to this Convention, ships of all States, whether coastal or landlocked, enjoy the right of innocent passage through the territorial sea.' All coastal or landlocked ships are entitled to innocent passage across the territorial sea. The article further explains that the Right of Passage is considered 'peaceful' if it does not threaten the peace, security, or order of the coastal state, and the coastal state may establish laws and regulations concerning peaceful passage in areas such as maritime safety, pollution control, fishing, customs, and immigration. The coastal state can designate sea lanes, establish traffic separation schemes, and provide necessary navigational aids.

Likewise, archipelagic states can authorize any vessel to pass through their waters if it is not detrimental to the state's peace, order, or security. Archipelagic states have the Right to Archipelagic Sea Lanes Passage, which gives ships and aircraft a broader right to traverse designated sea lanes in Archipelagic Waters. The archipelagic state must provide a traffic separation scheme and the Archipelagic Sea Lanes Passage.

The same rules apply to straits used for international navigation. Vessels retain the right to pass peacefully through them if their activities do not threaten other countries's peace, order, or security. However, in straits used for international navigation, one cannot suspend or temporarily stop peaceful passage, unlike in the territorial sea or archipelagic waters.

Article 87 of UNCLOS 1982 defines the high seas as accessible to all states, regardless of their coast. No state can claim sovereignty over the high seas, allowing states to engage in various activities, such as navigation, aviation, laying submarine cables and pipelines, constructing artificial islands, fishing, and scientific research. Regarding the rights of other states in the EEZ, Article 58 of UNCLOS 1982 defines the right to freedom of navigation as Article 87 of UNCLOS 1982. While the rights of freedom in the EEZ align with the provisions of the high seas regime, the coastal state retains its sovereign rights and limited jurisdiction, requiring other states and foreign vessels to adhere to its laws and regulations. Since the contiguous zones are located outside the territorial sea, the freedoms of navigation under the high seas and EEZ regimes apply to them, not the freedoms of the right of innocent passage under the territorial sea regime (D. R. Rothwell & T. Stephens, 2010).

The Concept of Refugee Status Determination

Before determining whether or not someone is a refugee, it is important to understand the definitions and differences between refugees, asylum seekers, migrants, and immigrants, including the definition of refugee itself. A migrant or immigrant can be defined as someone who moves from their previous residence, either within a country or across international borders, temporarily or permanently, for various reasons (McAuliffe & Oucho, 2024). For asylum seekers, the term 'asylum,' derived from the Latin form of the Greek word 'salon,' literally means 'freedom from seizure' or 'freedom from seizure by the secular authorities and/or exemption from the law.' There is no precise definition of an asylum seeker in international law. However, we define a refugee as a person who meets the criteria of the 1951 Convention and has received recognition as a refugee. In that case, we define an asylum seeker more broadly, encompassing all individuals seeking asylum who have either not received or not received recognition as a refugee.

The 1951 Convention clearly defines a refugee as someone who, as a result of events that occurred before January 1, 1951, and due to a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside their country of nationality and is unable or unwilling to avail themselves of that country's protection. The 1951 Refugee Convention defines a person as a refugee if they meet the following criteria or requirements:

Well-founded fear of being persecuted.

"Well-founded fear of persecution" encompasses the fundamental essence of the refugee definition. An asylum seeker (hereafter referred to as the applicant) must base their application for refugee status on both a subjective and an objective element (UNHCR, 2011).

The subjective element consists of the applicant's psychological reaction to the situation that befalls him/her, while the objective element is the reality in the field. The competent authority of the receiving country determines the fulfillment of the objective element by conducting a background check on the applicant. The 'well-founded fear' criterion is satisfied if the applicant can demonstrate that life-threatening threats prevent him from returning to his country of origin.

The International Refugee Organization (IRO) first used the term 'persecution' in its draft constitution, and the UNHCR and the 1951 Refugee Convention later adopted it. The 1951 Refugee Convention lacks a precise definition, only defining persecution as the cause of the applicant's "well-founded fear" (M. Rafiqul Islam, 2013). However, Articles 31 and 33 of the 1951 Refugee Convention define persecution as actions that endanger a person's life or freedom, including threats of death, torture, or cruel punitive treatment (Guy S. & Goodwin-Gill, 2014).

For race, religion, nationality, membership of a particular social group, or political opinion.

The 1951 Refugee Convention states that a person qualifies for refugee status only if his or her fear of persecution is due to race, religion, nationality, membership of a particular social group, or political opinion.

- a) Race. Prior to the end of World War II, the regime only applied the term 'race' to the main racial groups based on physical characteristics to protect Jews from their Nazi atrocities (Jahid Hossain Bhuiyan, 2013). The 1951 Refugee Convention later placed the definition of race broadly, encompassing all ethnic groups in the world, both existing and seeking recognition, both perceived and actual.
- b) Religion. Determining a person's refugee status through acts of persecution based on 'religious grounds' is complex. This is because persecution based on religious grounds can take many forms, for example, the prohibition of worshiping in public places or being a member of a particular religious group. As a result, many religious members find it challenging to claim refugee status, as the acts of persecution are dynamic and tend not to have a high intensity. However, international human rights instruments such as Article 18 of the UDHR 1948, Articles 18 and 27 of the ICCPR 1966, and the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief can help determine refugee claims based on religious grounds.
- c) Nationality. In this context, 'nationality' encompasses citizenship status and membership in ethnic, cultural, linguistic, or religious groups. 'Nationality' groups encompass not only minority groups in their countries but also majority groups subject to oppression by oligarchic governments.
- d) Membership of a Particular Social Group and Political Opinion. Courts and jurists have interpreted the term membership of a particular social group' in various ways. However, it generally refers to people with the same background, customs, or social status despite its perceived vagueness. Government policies may target people from certain social groups for persecution because they may hold different political and economic views. Meanwhile, persecution based on 'political opinion' usually occurs when the applicant has expressed his/her opinion publicly and elicited a response from the competent authority. 'Political opinion' should be understood broadly to include any opinion on any issue involving the mechanisms of the state, the government, and any state policies. To grant a petition on the grounds of political persecution, the petitioner must prove that expressing a different political opinion poses a threat of persecution.

Outside the Country of Nationality or Habitual Residence

A person can only qualify as a refugee if they are outside their country of nationality or, for those who are stateless, their country of habitual residence. When a person becomes a citizen or national of a country, it means he or she has a special relationship with that country. This is distinct from a stateless individual.

This means that Internally Displaced People (IDPs) cannot be defined as refugees under the Convention. Under the 1951 Refugee Convention, an asylum seeker (in this case, an applicant) does not need to demonstrate that he or she was a refugee when he or she left his or her country of origin or residence. Nor does the applicant need to show that he or she left the country because of a well-founded fear of persecution.

The grounds for applying as a refugee may arise when the person concerned in such a situation is already abroad; the person may become a refugee while in the receiving country. International protection cannot operate if the applicant is still within the territorial jurisdiction of their home country.

A state government or UNHCR agency conducts Refugee Status Determination (RSD), a legal or administrative process, to ascertain whether a person qualifies as a refugee under international, regional, or national law. Article 9 of the 1951 Refugee Convention provides the legal basis for implementing refugee status determination procedures, granting states parties the freedom to conduct RSD by their respective state policies.

Although the implementation of RSD is the state's responsibility, UNHCR can also carry it out based on the mandate of a non-party to the 1951 Refugee Convention and/or a country that does not have a fair and efficient asylum procedure.

Generally, the process of implementing RSD goes like this:

1. The applicant submits a claim for refugee status to the receiving state.
2. After submitting the claim, the applicant must prove to the examiner that a well-founded fear causes them to flee their home country. The applicant is responsible for providing the necessary evidence and straightforward answers about their circumstances during the interview.
3. The examiner then assesses the applicant's evidence and credibility to determine the subjective and objective elements. The examiner will compare these two elements with the 1951 Refugee Convention's provisions to determine the applicant's eligibility for refugee status.

The 1951 Refugee Convention generally grants refugee status on a case-by-case basis, considering each individual's circumstances. However, in some instances, states may take a prima facie approach in implementing RSD by granting refugee status directly to members of groups that come to the receiving country in large numbers due to situations of widespread conflict and violence in their country of origin. Through regional or national law, state policy determines the decision to adopt a prima facie approach

Refugee Status Determination in the Contiguous Zone

The contiguous zone, as defined by Article 33 of the United Nations Convention on the Law of the Sea (UNCLOS), is a maritime area adjacent to a state's territorial sea where the coastal state may exercise specific controls to prevent and punish infringements of its customs, fiscal, immigration, or sanitary laws.

Notably, a coastal state must explicitly proclaim this zone, and its extent cannot exceed 24 nautical miles from the baselines. UNCLOS provides explicit powers for the coastal state, underscoring the unique nature of the contiguous zone. However, the absence of guidelines for delimiting this zone between adjacent states, significantly when less than 48 nautical miles apart, raises significant legal ambiguities. Some scholars argue that the administrative powers granted to states under Article 33 may allow the concurrent exercise of jurisdiction, potentially leading to overlapping contiguous zones and jurisdictional conflicts (A.V. Lowe, 1981). The

functional nature of the contiguous zone, which emphasizes the necessity of precise delimitation to enhance the efficacy of enforcement actions, further compounds this complexity.

Moreover, the juxtaposition of sovereign rights and international obligations complicates the enforcement of immigration laws within the contiguous zone. While states possess the prerogative to prevent unlawful migration, they must also adhere to international norms, such as the principle of non-refoulement and the right to seek asylum, as articulated in various international human rights instruments.

The practice of intercepting and redirecting vessels suspected of carrying unlawful migrants, including potential asylum seekers, raises critical legal and ethical considerations. Although Article 33 permits preventive actions, the lack of explicit provisions regarding interception creates a legal gray area.

Unlawful migration may only be committed upon crossing a national border. At sea, this generally corresponds to the external limit of the territorial sea. Any intervention of the authorities in the contiguous zone in such a situation cannot be justified by the attributed repressive powers. The wording of Article 82 does not provide for the practice of interception and redirection, but it is not forbidden either.

The key determinant for lawful intervention hinges on the necessity of such actions to protect state interests, with the principle of proportionality serving as a crucial guideline to ensure that interventions do not expose individuals to risks of persecution or inhumane treatment. Thus, while the contiguous zone offers a framework for state control, it simultaneously necessitates a careful balance between national interests and international human rights obligations (Seline Trevisanut, 2008).

However, whether this limited authority includes the power to conduct Refugee Status Determination (RSD) arises. To answer this question, it is necessary to analyze the interpretation of 'migration control' and existing practice in the context of the contiguous zone. Does RSD fall within the scope of UNCLOS 1982's jurisdiction, or does it extend beyond it? This interpretation has significant implications for the validity of the implementation of RSD in the contiguous zone.

The interpretation of 'migration control' in the context of the contiguous zone is key in determining the validity of RSD in this area. UNCLOS 1982 does not explicitly define what constitutes 'migration control.' This leaves room for different interpretations. In a narrow interpretation, "migration control" might solely refer to actions taken to prevent and prosecute immigration offenses, such as verifying travel documents or stopping vessels suspected of transporting illegal immigrants.

In a broader sense, "migration control" could encompass the entire process of handling immigrants or asylum seekers, including RSD. The argument for a broader interpretation could be based on the understanding that RSD is an integral part of the process of handling asylum seekers, which is essentially part of immigration as a whole.

However, this interpretation potentially contradicts the principle of limiting a state's jurisdiction beyond its territory. On the other hand, a narrow interpretation may be more in line with the spirit of UNCLOS 1982, which limits state jurisdiction in the contiguous zone. However, this interpretation may prevent the state from fulfilling its international obligations regarding refugee protection.

The Australian model emphasizes a narrow interpretation of migration control, focusing primarily on preventing unlawful entry rather than facilitating RSD within the contiguous zone. As seen, for example, in the case of *CPCF v. Minister for Immigration and Border Protection* (2015), CPCF was an ethnic Tamil man who feared persecution in Sri Lanka, his country of nationality. On June 29, 2014, an Australian border guard vessel in Australia's declared contiguous zone intercepted him and 156 others on an Indian boat bound for Christmas Island in the Indian Ocean. The Indian boat became unseaworthy. While diplomatic negotiations were

underway, the Australian government detained the passengers and transferred them to an Australian boat sailing to India.

The Australian government decided on July 22, 2014, that it was impossible to disembark the passengers in India within a reasonable time. After sailing to the Australian territory of the Cocos (Keeling) Islands, the boat placed the men in immigration detention. CPCF commenced proceedings in the Court, alleging unlawful detention and seeking damages for wrongful detention.

The Court held that section 72(4) of the Maritime Powers Act allowed officers to detain individuals and return them to India despite concerns about non-refoulement obligations. Non-refoulement obligations under the Refugee Convention only apply to receiving states regarding refugees within their territory. The Court ruled that the Act's provisions were unambiguous: Section 72(4)'s power does not require adherence to Article 33 of the Refugee Convention. Using force to prevent the unlawful entry of non-citizens into Australia from outside Australia is consistent with Australian law and the Convention, which concerns the rights conferred on people within a state's territory. The Court provided a simple clarification of its view on the extraterritorial application of Australia's non-refoulement obligations. Australia cannot take someone "anywhere on the earth's surface."

The key considerations for vessels containing asylum seekers include whether the vessel is flagged to a particular state or is stateless, whether it is seaworthy (otherwise, the legal regime on the safety of life at sea applies), and whether the coastal and flag states have agreed, either formally or even on an ad hoc basis, to return the vessel and passengers to the departure point. Absent international cooperation arrangements, the immediate and most defensible option under international law for a coastal state is to return flagged vessels to a place immediately beyond the contiguous zone. This approach may apply to demonstrably stateless (non-registered) but seaworthy vessels (Stephen Tully & Michael Smith, 2015).

People have long viewed Australia as a model for stringent immigration controls, characterized by offshore detention and the denial of rights to asylum seekers. Various politicians in the UK have adopted this model, seeking to implement similar deterrent measures, often framing asylum seekers as 'queue jumpers' and 'bogus' refugees (Molnar, 2014). Such narratives serve to justify increasingly harsh policies that undermine the integrity of the international refugee protection regime and create barriers for individuals seeking asylum. The lack of oversight in Australia's detention facilities has led to widespread human rights abuses, raising ethical concerns about the accountability of states that externalize their refugee processing (Matera et al., 2023). The deliberate withholding of adequate support effectively forces asylum seekers into destitution (Ramachandran, 2024). Ultimately, the adoption of these policies by the UK could perpetuate a cycle of cruelty and violate international norms, necessitating a critical reassessment of the implications of emulating Australia's approach to refugee management.

Several scholars have previously explained that they believe the authority of Article 33 of UNCLOS 1982 allows for simultaneous implementation, both bilaterally and regionally. The European Union region utilizes the Common European Asylum System as a mechanism to address the issues faced by asylum seekers (Alva & Handayani, 2019). This binding law allows courts to rule on state violations. For example, On June 13, 2024, the Court of Justice ordered Hungary to pay a lump sum of 200 million euros and a penalty of 1 million euros per day for failing to comply with its 2020 judgment regarding EU asylum policies. Hungary's non-compliance includes restricting access to international protection processes, unlawfully detaining applicants, and not allowing them to remain in Hungary while appealing rejection decisions. The Court emphasized that Hungary's actions undermine EU law and the principle of solidarity among member states, effectively shifting its responsibilities onto others. The Court deems this failure an unprecedented and serious infringement of EU law, prompting the imposition of financial sanctions.

Challenges also arise in the existing practice of the law of the sea. For instance, in January 2020, Greece announced its intention to install a floating barrier on the sea route between Turkey and Lesbos as a measure to control the flow of asylum seekers arriving by sea. However, installing a floating barrier to prevent asylum seekers is inconsistent with Greece's international responsibilities (Georgoula, 2022). Interestingly, Article 60 of UNCLOS allows the establishment of a safety zone on a building, installation, or artificial island with a maximum distance of 500 meters around it, and every ship must respect and obey the navigation standards around it. This authority allows a loophole to intercept and return asylum seekers, even long before entering the contiguous zone, for reasons of navigation safety.

CONCLUSION

Refugee status determination is legally carried out in the contiguous zone when the coastal state receives asylum seekers. In this case, the first thing to do is not violate the non-refoulement obligation. The authority of migration control in Article 33 of UNCLOS leaves a grey area. It depends on how to interpret it. As discussed, the article also provides space for authority and jurisdiction to be carried out jointly between countries. This is what allows the problem of asylum seekers to be resolved.

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